

**REMARKS**

Claims 1-15 are all the claims pending in the present application. Claims 1-15 were previously rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Hassett (U.S. Patent No. 7,012,547). The Examiner now applies a secondary reference Wright et al. (U.S. Patent No. 4,900,903) along with Hassett to support the rejections of claims 1-15.

With respect to claim 1, Applicant previously argued that Hassett does not teach or suggest the required communication of information among the communication means, a server of a credit card firm, and a server of a settling financial institution. Particularly, Applicant argued that Hassett does not explicitly or implicitly teach or suggest that there is any communication (transmitting and receiving) of information among a server of a settling financial institution, server of a credit card firm, and communications means.

In the present Office Action, the Examiner acknowledges that Hassett fails to disclose the above identified feature, however the Examiner believes that Wright satisfies this feature, and cites col. 3, line 5 – col. 5, line 30 of Wright as allegedly satisfying this feature.

A brief description of Wright is as follows.

Wright is directed to an automated transaction system employing microprocessor-bearing user cards each issued to a respective user for maintaining a history of user account transactions and a user account balance, microprocessor-bearing master cards issued to vendors for maintaining a history of master account transactions and a master account balance, and terminals in which a user card and a master card are inserted for performing account transfer transactions wherein value from the account balance of one card is debited and the account balance of the other card is correspondingly credited. A transaction history recorder is used to produce or

record the transaction history stored in the card for the user of the vendor. In the preferred embodiment, each master card is assigned to a respective terminal of a vendor and, maintains a history of the transactions executed at that terminal between the master card and user cards presented for transactions at the terminal.

According to Applicant's understanding of the cited portion of Wright, there is no discussion of a server owned by a settling financial institution which settles a charge requested from the credit card firm. The Examiner does not specifically identify such a server. Wright only discusses that a card having a secure, resident microprocessor can confirm that a requested transaction is authorized, and that the card along with an automated terminal can actuate the dispensing of a requested article or item of value and that the debiting of an authorized balance can be performed from the card. According to Applicant's understanding, there is no teaching or suggestion of the above discussed server owned by a settling financial institution. Yet further, there is no server of a credit card firm, as recited in claim 1, discussed in the applied reference.

Yet even further, the Examiner cites the same portions of Wright as discussed above, and alleges that Wright satisfies the following feature: "processing means for executing a comparison process as to both credit card charge historical information issued from said credit card firm and balance account information saved in said settling financial institution, said credit card charge historical information being contained in the transmission and reception information of said communication means," as recited in claim 1. As indicated above, there is no discussion in Wright of any server owned by a settling financial institution, therefore clearly there can not be any balance account information saved in said settling financial institution. Furthermore, Applicant is unsure of what the Examiner believes corresponds to the claimed historical

information issued from the credit card firm. And, even if, *arguendo*, there is historical information discussed in Wright, there is no teaching or suggestion of comparing the credit card charge historical information issued from the credit card firm and the balance account saved in the settling financial institution.

Therefore, at least because the above-discussed features are not satisfied by Wright or Hassett, either alone or in combination, Applicant submits that independent claim 1 is patentably distinguishable over these applied references.

Applicant submits that dependent claims 2-15 are patentable at least by virtue of their dependencies from independent claim 1.

Yet even further, Applicant submits that one of ordinary skill in the art would not have been led to combine the teachings of Hassett with Wright.

A brief description of Hassett is as follows. A description of Wright is set forth above.

Hassett is directed to a system for automatic collection of tolls. The system includes an in-vehicle toll processor having memory for storing a toll-money-available quantity purchased by the user, and a toll-facility-identification site that transmits a toll-facility identifier signal indicating the identity of the upcoming toll identity. As a vehicle approaches the identification site, the in-vehicle processor receives the identifier signal and calculates the toll to be debited. When the vehicle passes through the toll facility, the in-vehicle processor transmits its identity, its net balance and the toll, which it debits from an account balance. The in-vehicle processor may increment a low balance, in which case it transmits information which is relayed to a central system for billing.

As indicated in the Field of the Invention section of Wright, the invention of Wright is particularly directed and applied to a postage transaction system in which a postage account is maintained within a microprocessor card and is used in transactions with postage printing and metering terminals. In extreme contrast, Hassett is particularly directed to a system for automatic collection of tolls including an in-vehicle toll processor having a memory for storing information related to a balance for paying tolls, which was purchased by a user. In other words, the above-discussed inventions are different at least in that Wright is directed to obtaining a dispensed article of value based on a particular amount that is indicated on a card, while Hassett is directed to paying tolls via an in-vehicle apparatus, and there is no dispensing of any article of value. Therefore, at least based on the foregoing, Applicant asserts that one of ordinary skill in the art would not have even contemplated combining the two references.

At least based on the foregoing, Applicant submits that claims 1-15 are patentably distinguishable over the applied references, either alone or in combination.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R § 1.111  
U.S. Application No.: 09/839,495

Attorney Docket No.: Q63352

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Diallo T. Crenshaw  
Registration No. 52,778

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: February 12, 2007